

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RECEIVED
Western District of Washington
at Seattle

JUN 30 2020

**MARK L. HATCHER, CLERK
OF THE BANKRUPTCY COURT**

Honorable Christopher M. Alston
Chapter: 7
Date: 7/23/2020
Place: Telephonic
Time: 11:00 a.m.
Response Date: 7/14/2020

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

RIPTIDE, LLC

Debtor,

BANKRUPTCY ESTATE OF RIPTIDE, LLC

RONALD G. BROWN TRUSTEE,

Plaintiff,

v.

JOHN HOSS, a married individual

Defendant

Chapter 7

Bankruptcy No. 19-12520-CMA

ADVERSARY NO. 20-01027-CMA

NOTICE OF MOTION AND MOTION FOR ORDER
TO VACATE ORDER OF DEFAULT AND
DEFAULT JUDGMENT FOR TURNOVER

TO: THE UNITED STATES BANKRUPTCY COURT CLERK
TO: RONALD G. BROWN, PLAINTIFF
TO: RORY C. LIVESEY, ATTORNEY FOR PLAINTIFF

PLEASE TAKE NOTICE that the Motion for Order Vacating Order of Default (ECF No. 8) and Default
Judgement for Turnover (ECF No. 10) ("Motion") set forth below has been filed by John Hoss ("Defendant"), and
IS SET FOR HEARING as follows:

JUDGE: Christopher M. Alston
PLACE: Telephonic

TIME: 11:00 a.m.
DATE: 7/23/20

The Phone instruction are as follows:
Dial: 1-888-363-4749
Enter Access Code: 8955076#
Press the # sign
Enter Security Code when prompted: 3564#
Speak your name when prompted.

ADVERSARY NO. 20-01027-CMA NOTICE OF MOTION AND MOTION FOR ORDER TO VACATE ORDER
OF DEFAULT AND DEFAULT JUDGMENT FOR TURNOVER - 1

1 IF YOU OPPOSE the granting of the relief requested in the Motion, you must file your written response with the
2 court clerk, and deliver copies to the Defendant at 4825 240th Ave SE, Issaquah, WA 98029, NOT LATER THAN
THE RESPONSE DATE, which is 7/14/20.

3 IF NO RESPONSE IS TIMELY FILED AND SERVED, the court may, in its discretion, GRANT THE
4 MOTION BEFORE THE HEARING, WITHOUT FURTHER HEARING, and strike the hearing

5 MOTION

6 COMES NOW the defendant, pro se, moves this court for an order to vacate order of default and to vacate default
7 judgment for turnover. This motion is based upon the records and files herein and the attached statement and
exhibits.

8 The answer for the above referenced adversary proceeding was due to plaintiff on April 30, 2020. The answer,
9 mediation certification and defendants consent for final adjudication were USPS mailed and emailed to counsel for
the trustee and USPS mailed to the court on May 8, 2020 and are now shown in the case filed under doc 12 and 13.

10
11 I pray for the court vacate these Orders to afford me the opportunity to properly answer and defend the case against
12 me.

13
14 RESPECTFULLY SUBMITTED this 24th day of June, 2020

15
16 /S/ John Hoss

17
18 John Hoss, pro se
19 Defendant
20
21
22
23
24
25
26
27

28 ADVERSARY NO. 20-01027-CMA NOTICE OF MOTION AND MOTION FOR ORDER TO VACATE ORDER
OF DEFAULT AND DEFAULT JUDGMENT FOR TURNOVER - 2

STATEMENT.

The undersigned states the following under penalty of perjury:

1. I am the defendant in the above-entitled action.

2. On May 7, 2020 my electronic calendar alert went off reminding me to prepare for the pre-trial conference scheduled with Judge Alston on May 8, 2020 at 9 a.m. In reviewing the summons I was surprised to learn I was required to file an answer in addition to appearing at the pretrial conference. I immediately emailed the counsel for the trustee alerting him to my oversight and a true and correct copy of the email is attached to this statement as Exhibit A.

3. The answer, mediation certification and defendants consent for final adjudication were USPS mailed emailed to counsel for the trustee and USPS mailed to the court on May 8, 2020 and are now shown in the case filed under doc 12 and 13.

4. I married Trisha Hoss on December 29, 2008. A true and correct copy of our marriage certificate is attached to this statement as Exhibit B.

5. Trisha Hoss currently resides in the property and has done so continuously since September of 2005.

6. Trisha Hoss paid to have the kitchen remodeled in 2006 in the amount of \$75,000 and helped make mortgage payments for over 10 years.

7. Trisha Hoss did not join in or acknowledge the execution of the 2019 deed to RIPTIDE LLC.

DATED this 24th day of June, 2020.

/S/ John Hoss

John Hoss, pro se
Defendant



john hoss <john.r.hoss@gmail.com>

Brown v Hoss

1 message

john hoss <john.r.hoss@gmail.com>
To: Rory Livesey <Rory@liveslaw.com>

Thu, May 7, 2020 at 10:48 PM

Hi Rory,

I was planning on dialing into a pretrial conference with the judge tomorrow.

As I was reviewing the motion I went online and noticed the hearing had been stricken and you have presented the court with an order for default. I have not received notice of any kind, mail email or otherwise regarding the default. I am surprised you had not afforded me the courtesy of notice by email, mail or telephone.

Rory I received your complaint in the mail, not served, and put Pretrial Conference on my calendar with Judge Alston for May 8.

Now tonight as I pull out the complaint to prepare for the call I see the other page you sent that said I have to file a response in 35 day or risk being defaulted out.

I am prepared to proceed with the call tomorrow. Or in the alternative could you afford me the opportunity to file a proper answer to the complaint. I do not intend to take a default on this matter.

Kind Regards,

John Hoss
206-617-6996

Exhibit B

JOHN HOSS
TRISHA HOSS
4825 240TH AVENUE SE
ISSAQUAH, WASHINGTON 98029

CERTIFICATE OF MARRIAGE



CERTIFICATE NO 151 2008 - 025286

STATE OF HAWAII
DEPARTMENT OF HEALTH

NAME OF GROOM
JOHN ROBERT HOSS

DATE OF BIRTH
November 24, 1969

PLACE OF BIRTH
SEATTLE, WASHINGTON

FATHER'S NAME
ROBERT WESLEY HOSS

STATE OR COUNTRY OF BIRTH
WASHINGTON

MOTHER'S MAIDEN NAME
MERRILOU CAMILLE ARCHER

STATE OR COUNTRY OF BIRTH
WASHINGTON

NAME OF BRIDE
TRISHA LYNN AUNE

DATE OF BIRTH
September 29, 1967

PLACE OF BIRTH
ONSLow, NORTH CAROLINA

FATHER'S NAME
TERRY KEITH BARNETT

STATE OR COUNTRY OF BIRTH
ILLINOIS

MOTHER'S MAIDEN NAME
SANDRA KATHERINE GIARDINA

STATE OR COUNTRY OF BIRTH
ILLINOIS

GROOM'S DECLARED MIDDLE NAME(S)
ROBERT

BRIDE'S DECLARED MIDDLE NAME(S)
LYNN

GROOM'S DECLARED SURNAME
HOSS

BRIDE'S DECLARED SURNAME
HOSS

DATE OF MARRIAGE
December 29, 2008
DATE ACCEPTED BY STATE REGISTRAR
January 8, 2009

PLACE OF CEREMONY
RITZ CARLTON-KAPALUA

COUNTY
MAUI

ISLAND
MAUI

OHSM 5.1 (Rev. 10/08) LASER This copy serves as prima facie evidence of the fact of marriage in any court proceeding. (HRS 572-13(c), 338-13(b))

ANY ALTERATIONS INVALIDATE THIS CERTIFICATE

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

RIPTIDE, LLC

Debtor,

BANKRUPTCY ESTATE OF RIPTIDE, LLC

RONALD G. BROWN TRUSTEE,

Plaintiff,

v.

JOHN HOSS, a married individual

Defendant

Chapter 7

Bankruptcy No. 19-12520-CMA

ADVERSARY NO. 20-01027-CMA

DECLARATION OF MAILING

I, John Hoss, declare and state as follows: 1. I am a citizen of the United States, over the age of 21 years. 2. On the 24th day of June, 2020, I caused to be mailed by first class mail, postage prepaid, a copy of (1) NOTICE OF MOTION AND MOTION FOR ORDER TO VACATE ORDER OF DEFAULT AND DEFAULT JUDGMENT FOR TURNOVER: Rory C. Livesey 600 Stewart Street, Suite 1908 Seattle, WA 98101

I declare under penalty of perjury that the foregoing is true and correct. DATED this 24th day of June, 2020.

/S/ John Hoss

John Hoss

RECEIVED
Western District of Washington
at Seattle

JUN 30 2020

MARK L. HATCHER, CLERK
OF THE BANKRUPTCY COURT

ADVERSARY NO. 20-01027-CMADECLARATION OF MAILING - 1